

# Memorandum



**Date:** May 8, 2007

**To:** Honorable Chairman Bruno A. Barreiro and  
Members, Board of County Commissioners

Agenda Item No. 1(D)4

**From:** George M. Burgess  
County Manager

A handwritten signature in dark ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

**Subject:** Sunset Review of County Boards for 2007 – Kendale Lakes Landscape and  
Maintenance Special Taxing District Advisory Board

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In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2007 Sunset Review of County Boards Report for the Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board. The Board approved the attached report at its meeting of January 11<sup>th</sup> 2007 and has recommended the continuation of its board.

A handwritten signature in dark ink, appearing to read "Alex", written over a horizontal line.

Alex Muñoz  
Assistant County Manager

cmo06507

**Date:** January 11, 2007

**To:** George M. Burgess, County Manager

**From:** Richard Malcy  
Chairperson, Kendale Lakes Landscape and Maintenance Special Taxing District  
Advisory Board

**Subject:** Sunset Review of County Boards for 2007 – Kendale Lakes Landscape and  
Maintenance Special Taxing District Advisory Board

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Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2007 Sunset Review of County Boards Report for the Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of January 11<sup>th</sup>, 2007.

It is recommended that the BCC approve the continuation of the Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board.

#### **BACKGROUND**

The Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board was created September 11<sup>th</sup>, 2001. The purpose of the Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board is to assist the Board of County Commissioners and the County Administration with respect to matters pertaining to the Kendale Lakes Landscaping Maintenance Taxing District. The Board also approves landscape improvements as well as the annual budget for Kendale Lakes Special Tax District.

The Kendale Lakes Landscape and Maintenance Special Taxing District Advisory Board should continue to function because since it was created in 2001 it has been the key to meeting the Kendale Lakes community's needs by making landscape improvements and approving the annual budgets in an affective manner.

A handwritten signature in dark ink, appearing to read 'Richard Malcy', is written over a horizontal line.

Richard Malcy,  
Board Chairperson

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2007**

**I. GENERAL INFORMATION**

1. Name of Board reporting: Kendale Lakes Landscape and Maintenance  
Special Taxing District Advisory Board.
2. Indicate number of board members, terms of office, and number of vacancies:  
  
Term of Office: serve staggered terms of no more than two (2) years with no  
member serving more than eight (8) years. Board Members and Vacancies:  
See Attached.
3. Identify number of meetings and members' attendance (Attach records  
reflecting activity from **Jan. 1, 2005** through **December 31, 2006**):  
See Attached
4. What is the source of your funding? Special Assessment Fee  
\_\_\_\_\_
5. Date of Board Creation: September 11, 2001.
6. Attach a copy of the ordinance creating the Board (Please include all  
subsequent amendments). **Attached.**
7. Include the Board's Mission Statement or state its purpose: **Attached.**  
\_\_\_\_\_  
\_\_\_\_\_
8. Attach the Board's standard operating procedures, if any.  
\_\_\_\_\_
9. Attach a copy of the Board's By-Laws, if any.  
\_\_\_\_\_
10. Attach a copy of the Board minutes approving the Sunset Review  
Questionnaire, **including a vote of the membership.** **Attached.**
11. Include a diskette, saved as ASCII or Rich Text Format (RTF), of the County  
Manager's transmittal memorandum to the Board of County Commissioners  
with the Board's recommendation.  
\_\_\_\_\_

**II. EVALUATION CRITERIA**

1. Is the Board serving the purpose for which it was created? (Please provide  
detailed information) Yes  
\_\_\_\_\_

**SUNSET REVIEW QUESTIONNAIRE  
MIAMI-DADE COUNTY BOARDS  
2007**

2. Is the Board serving current community needs? (Please provide detailed information) Yes  
\_\_\_\_\_  
\_\_\_\_\_
3. What are the Board's major accomplishments?
- a. Last 24 months Approval of landscape improvements.  
\_\_\_\_\_  
\_\_\_\_\_
- b. Since established Since established (Sept. 2001) the Advisory Board has given their input and has approved the budgets for Kendale Lakes Special Tax District.
- c. Is there any other board, either public or private, which would better serve the function of this board?  
No  
\_\_\_\_\_  
\_\_\_\_\_
4. Should the ordinance creating the Board be amended to better enable the Board to serve the purpose for which it was created? (Attach proposed changes, if answer is "Yes")  
No  
\_\_\_\_\_  
\_\_\_\_\_
5. Should the Board's membership requirements be modified?  
No  
\_\_\_\_\_  
\_\_\_\_\_
6. What is the operating cost of the Board, both direct and indirect? (Report on FY 2006 and FY 2007)  
Administrative cost paid by a portion of the Special Landscape Multipurpose Assessment taxed to the County.  
\_\_\_\_\_
7. Describe the Board's performance measures developed to determine its own effectiveness in achieving its stated goals.  
No performance measures have been established to determine its own effectiveness.  
\_\_\_\_\_  
\_\_\_\_\_

**Kendale Lakes Landscape Maintenance Advisory Board Members:**

|                      |        |
|----------------------|--------|
| Albert Schaefer      | Area 1 |
| Tessie Rivera        | Area 2 |
| Teresita Fernandez   | Area 3 |
| Richard Malcy        | Area 4 |
| Harvey Weisberg      | Area 5 |
| Frieda Kruger        | Area 6 |
| Ivonne Von Der Osten | Area 7 |

**Board Mission Statement:**

Kendale Lakes Advisory Board will formulate and recommend plans and programs for the landscaping maintenance of their community in order to continue to provide exceptional landscape maintenance.

**Membership Attendance for the previous 2 years (2005-2006):**

| Member                                | Area | 1/03/05 | 4/25/05 | 9/07/05        | 1/23/06 | 2/23/06 | 7/20/06        | 8/24/06 |
|---------------------------------------|------|---------|---------|----------------|---------|---------|----------------|---------|
| Albert A. Schaefer                    | 1    | X       |         | X              | X       | X       | X              | X       |
| Tessie Rivera                         | 2    | X       | X       | X              | X       | X       |                |         |
| Teresita Fernandez                    | 3    | Vacant  | Vacant  | X<br>(Elected) |         | X       | X              |         |
| Richard Malcy                         | 4    | X       | X       | X              | X       | X       | X              | X       |
| Valory Greenfield/<br>Harvey Weisberg | 5    | X       | X       | X              |         | X       | X<br>(Elected) | X       |
| Frieda Kruger                         | 6    |         | X       |                | X       | X       |                |         |
| Ivonne Von Der Osten                  | 7    | Vacant  | Vacant  | X<br>(Elected) |         | X       | X              | X       |

# MEMORANDUM

Agenda Item No. 4(O)

O: Hon. Chairperson and Members  
Board of County Commissioners

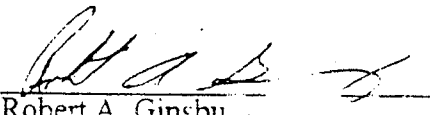
DATE: September 11, 2001

FROM: Robert A. Ginsburg  
County Attorney

SUBJECT: Ordinance establishing Kendale  
Lakes Landscape Maintenance  
Special Taxing District Advisory  
Board

01-133

The attached ordinance was prepared and placed on the agenda at the request of  
Commissioner Joe A. Martinez.

  
Robert A. Ginsburg  
County Attorney

RAG/bw


**MEMORANDUM**

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: September 11, 2001

SUBJECT: Ordinance Establishing a  
Kendale Lakes Landscape  
Maintenance Special Taxing  
District Advisory Board

FROM:

  
Steve Shiver  
County Manager

01-133

The ordinance establishing a Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board will have no fiscal impact on Miami-Dade County as it is anticipated that existing personnel will be able to staff the Advisory Board.



## MEMORANDUM

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** September 11, 2001

**FROM:** Steve Shiver  
County Manager

**SUBJECT:** Report on the Establishment of a  
Kendale Lakes Landscape  
Maintenance Special Taxing  
District Advisory Board

01-133

Pursuant to Section 2-11.37(b) of the Code of Miami-Dade County, the following report provides information and impact of establishing a Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board, regarding these issues:

1. "Whether the establishment of the board will create sufficient betterment to the community to justify the Board of County Commissioners' delegation of a portion of its authority."

**The purpose of this advisory board is to assist the Board of County Commissioners and the County Administration with respect to matters pertaining to the Kendale Lakes Landscaping Maintenance Taxing District. In that regard the advisory board shall formulate and recommend plans and programs for the Special Taxing District that are only within the scope of authority of the Special Taxing District.**

2. "Whether another board or agency, either public or private, which is already in existence could serve the same purpose."

**No other public or private boards or agencies presently serve as advisory boards for special taxing districts.**

3. "The cost, both direct and indirect, of establishing and maintaining the board."

**The establishment of the advisory board will have no direct or indirect cost impact on the County. Any costs incurred in the establishment or maintenance of the advisory board will be included in the special taxing district budget or administrative overhead.**

4. "Whether the board is necessary to enable the County to obtain State or federal grants or other financing."

**The establishment of this advisory board is not a necessary requirement to enable the County to obtain State or federal grants or other financing.**

5. "Whether the board should have bonding authority."

**The functional scope of the advisory board does not allow the board to have bonding authority.**

6. "Whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the Board of County Commissioners."

**The ordinance establishing the advisory board does not include the authority to enter into any contracts and spend County funds.**

7. "Whether the creation of a new board is the best method of achieving the benefit desired."

**The establishment of the advisory board will allow residents who fund the special taxing district to have a greater voice in the planning and programs of the taxing district. This more direct involvement will promote a better understanding of the community needs and allow for quicker reaction to those needs.**


TO:

Hon. Chairperson and Members  
Board of County Commissioners

DATE: September 11, 2001

SUBJECT: Agenda Item No. 4(O)

FROM:

  
Robert A. Ginsburg  
County Attorney

01.133

Please note any items checked.

- ☐ "4-Day Rule" (Applicable if raised)
- ☐ 6 weeks required between first reading and public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of private business sector impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☒ Ordinance creating a new board requires a detailed County Manager's report for public hearing
- ☐ "Sunset" provision required
- ☐ Legislative findings necessary

Approved \_\_\_\_\_

Mayor

Agenda Item No. 4(0)  
9-11-01

Veto \_\_\_\_\_

Override \_\_\_\_\_

ORDINANCE NO. 01-133

ORDINANCE ESTABLISHING A KENDALE LAKES  
LANDSCAPE MAINTENANCE SPECIAL TAXING DISTRICT  
ADVISORY BOARD, PROVIDING FOR MEMBERSHIP,  
PURPOSE, ORGANIZATION AND PROCEDURE,  
APPOINTMENT AND TENURE, POWERS, DUTIES AND  
FUNCTIONS OF THE BOARD, AND STAFF SUPPORT;  
PROVIDING SEVERABILITY, INCLUSION IN THE CODE,  
AND AN EFFECTIVE DATE

WHEREAS, the Kendale Lakes Landscape Maintenance Special Taxing District ("Special Taxing District") was created for the maintenance of certain common areas, green areas, and lakes within the Kendale Lakes community; and

WHEREAS, the residents within the Special Taxing District desire to participate in the process by which the Special Taxing District funds are allocated and expended; and

WHEREAS, this Board desires to create a Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board ("Advisory Board") in order to provide assistance to this Board and to the County on issues concerning the Special Taxing District,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The Code of Miami-Dade County shall be amended by the addition of the following new section:

- A. **Creation of the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.** There is hereby created and established the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.

B. **Composition, Terms.** Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board ("Advisory Board") shall be composed of seven (7) members, each residing in one of the seven regions within the Kendale Lakes Landscape Maintenance Special Taxing District ("Special Taxing District"), as more specifically set forth below. The members shall serve staggered terms of no more than two (2) years, with no member serving for more than eight (8) consecutive years.

C. **Nomination and Selection of Members.**

(1) *Initial Advisory Board.* The Initial Advisory Board shall be established as provided in this paragraph. Within ten (10) days following the effective date of this Ordinance, the County, under the name of the County Commissioner from District 11, shall mail to each property owner and advertise for not less than two (2) consecutive weeks in both a newspaper of general circulation throughout the County and in a local neighborhood circulated newspaper, and post in not less than five (5) places within the limit of the Special Taxing District, a notice stating where and when applications (the "Applications") for the Initial Advisory Board will be available. An Application will also be included with every notice sent by mail. The Applications will be developed by the Park and Recreation Department and will require the applicant to provide her or his name, address, proof of residence within the Special Taxing District, and proof of length of residence within the Special Taxing District.

(a) The Application deadline will be no less than three (3) weeks from the date of the advertisement and mailing.

(b) The Park and Recreation Department will collect and evaluate the Applications as provided herein. At the expiration of the Application deadline, the County Representative, as defined in Section 1(c)(3), shall select the nominees for the Initial Advisory Board using the following

criteria. The applicant within each Special Taxing District region who has resided longest within the region will be the nominee for that region. If there is no applicant for a region, then the County Representative will appoint the nominee from the remaining pool of applicants.

- (c) The County Representative, by and through the Park and Recreation Department, will provide the Board of County Commissioners the slate of nominees for approval.
- (d) In order to establish staggered terms for the Advisory Board, the terms of the Initial Advisory Board members will be as provided in this section. The term of the members from odd-numbered Special Taxing District regions shall serve from the date of their approval by the Board of County Commissioners until the approval of the nominees by the Board of County Commissioners following the next annual meeting provided in Section 1(c)(3) herein, irrespective of whether those members of the Advisory Board have served a full year term. The members of the Initial Advisory Board from even-numbered Special Taxing District regions shall serve from the date of their approval by the Board of County Commissioners until the approval of the nominees by the Board of County Commissioners following the annual meeting two years following the passage of this Ordinance. For example, if this Ordinance is passed in October, 2001 and the Initial Advisory Board is empanelled and approved by November, 2001, the members of the Initial Advisory Board from odd-numbered regions will serve until the nominees from odd-numbered regions selected at the May, 2002 Nomination Meeting are approved by the Board of County Commissioners. The members of the Initial Advisory Board from

even-numbered regions shall serve until the nominees from the even-numbered regions selected at the May, 2003 Nomination Meeting are approved.

- (2) *Advertisement for Nomination Meeting.* On or before May 1 of each year following the establishment of the Initial Advisory Board, the County, under the name of the County Commissioner from District 11, shall mail to each property owner and advertise for not less than two (2) consecutive weeks in both a newspaper of general circulation throughout the County and in a local neighborhood circulated newspaper, and post in not less than five (5) places within the limits of the Special Taxing District, a notice setting the date, place, and time of a public meeting of property owners and residents within the limits of the Special Taxing District for purpose of selecting nominees for the Advisory Board. The notice shall briefly describe purpose of the meeting, the responsibilities of the Advisory Board, and advise the recipients that at the meeting nominations will be received for persons from the specified Special Taxing District regions desiring to serve as members of the Advisory Board for the upcoming two (2) year term.
- (3) *Nomination Meeting.* The annual nomination meeting shall be chaired by the Park & Recreation Department Special Taxing District Manager or other designee of the Park & Recreation Department Director ("County Representative"). The County Representative shall briefly discuss the responsibilities of the Advisory Board. The County Representative will open the floor to nominations only for those Special Taxing District regions with vacancies that year and shall record the names of those nominated for each vacant Special Taxing District region, as illustrated and defined in the Special Taxing District map attached as Exhibit "A." Each even-numbered year will have nominations for odd-numbered Special Taxing District regions and vice-versa. At least one person from each vacant Special Taxing District region

shall be nominated for the Advisory Board. If more than one person from region is nominated for a single region, then the person residing in the region for the longest period of time shall become the region's nominee. If no nominee is secured for a given Special Taxing District region, then the Director of the Park & Recreation Department will appoint the nominee. The County Representative will be responsible for verifying the residence of all nominees, and if necessary, the length of residency within the Special Taxing District and specific region.

- (4) *Board Approval of Nominees.* The County Representative, by and through the Park and Recreation Department, will provide the Board of County Commissioners the slate of nominees for approval.
- (5) *Vacancies.* Should any Advisory Board member move out of the region for which they were nominated during the course of her or his term, but continue to reside within the Special Taxing District, then that Advisory Board member will serve out her or his term, but will not be eligible for a new term within that region, unless no resident within the region desires to be the region's nominee at the following Nomination Meeting. Should any Advisory Board member move out of the Special Taxing District during her or his term, then she or he will forfeit her or his position on the Advisory Board. Should an Advisory Board member resign during her or his term for any other reason, the position will remain vacant until the following term.

D **Officers; Quorum; Compensation.** The members of the Advisory Board shall elect a chairperson and vice chairperson, who shall serve at the will of the Advisory Board. Four (4) members of the Advisory Board shall constitute a quorum necessary to hold a meeting and take any action. A majority vote of the quorum of the Advisory Board shall be necessary to take any action. Members shall serve without compensation. The chairperson or vice chairperson may call meetings of the Advisory Board. Meetings may also be called by written notice signed by

four (4) members. The Advisory Board at any duly noticed meeting may fix and call a meeting on a future date. All meetings shall be public.

**E. Duties, Powers, and Responsibilities.** The Board shall have the following duties, powers and responsibilities:

- (1) To serve in an advisory capacity to the Board of County Commissioners, and the County administration, in respect to matters pertaining to the Special Taxing District.
- (2) To formulate and recommend plans and programs for the Special Taxing District.
- (3) The Advisory Board shall annually report to the Board of County Commissioners as to its recommendations.
- (4) To perform such other duties as may from time to time be assigned to it by resolution of the Board of County Commissioners.

**F. Support.** The County Manager, County Attorney and Clerk of the Board shall provide appropriate support for the Advisory Board.

**G. Meetings of the Board.** The Advisory Board shall hold regular meetings, no less than six times per year, and such other meetings, as it deems necessary. The Advisory Board shall at all times operate under the Florida Open Government laws, including the "Sunshine Law," public meeting laws and public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Code of Ethics Ordinance, and the Miami-Dade County Code of Ethics Ordinance.

**Section 2. Severability.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.**     **Incorporation into Miami-Dade County Code.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.**     **Effective Date.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

**Section 5.**     **Sunset Ordinance.** This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:     SEP 13 2001

Approved by County Attorney as  
to form and legal sufficiency:

RAE  
AO

Prepared by:  
Angelique Ortega

Sponsored by Commissioner Joe A. Martinez

# MEMORANDUM

Amended  
Agenda Item No. 7(H)

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O: Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners  
**OFFICIAL FILE COPY**  
**CLERK OF THE BOARD**  
**OF COUNTY COMMISSIONERS**  
**DADE COUNTY, FLORIDA**

DATE: November 3, 2005

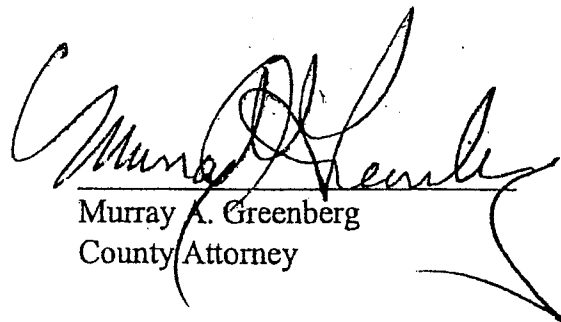
FROM: Murray A. Greenberg  
County Attorney

SUBJECT: Ordinance pertaining to  
membership on County  
Boards

O#05-194

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.

  
Murray A. Greenberg  
County Attorney

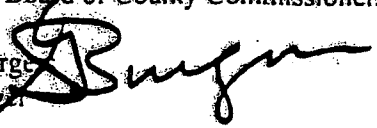
MAG/jls

## Memorandum



**Date:** November 3, 2005

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burge  
County Manager 

**Subject:** Ordinance pertaining to membership of County Boards

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This ordinance pertaining to the removal of the prohibition against a person serving on more than one County board simultaneously will not have a fiscal impact on Miami-Dade County.

  
\_\_\_\_\_  
Assistant County Manager

fiscal07405



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** November 3, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Amended  
Agenda Item No. 7(H)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Veto \_\_\_\_\_

Override \_\_\_\_\_

Amended

Agenda Item No. 7(H)

11-3-05

ORDINANCE NO. 05-194

ORDINANCE RELATING TO MEMBERSHIP ON COUNTY BOARDS; AMENDING SECTION 2-11.38 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO REMOVE PROHIBITION AGAINST A PERSON SERVING ON MORE THAN ONE COUNTY BOARD SIMULTANEOUSLY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONER OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Sec. 2-11.38 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

**Sec. 2-11.38. Membership on boards.**

All members of County boards shall be permanent residents and electors of Miami-Dade County unless the Board of County Commissioners, by a two-thirds vote of its membership, waives this requirement, and should have reputations for integrity and community service. In addition, all board members should have demonstrated an interest in the field, activity or sphere covered by the board. Each board shall include at least one (1) person whose livelihood does not depend on the area regulated, administered or dealt with by the board.

Unless the Board of County Commissioners by two-thirds vote of its membership waives the residency requirement, any member of County boards who ceases to be a resident of Miami-Dade County during the term of his or her office shall immediately advise the Clerk of the Board of County Commissioners. Upon

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<sup>1</sup>Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. remaining provisions are now in effect and remain unchanged.

being advised by the Clerk of such circumstances, the Board of County Commissioners shall declare the position to be vacant and shall promptly fill the same pursuant to the provisions of Section 2-11.38.1.

The primary consideration in appointing board members shall be to provide the board with the needed technical, professional, financial, business or administrative expertise. The membership of each board should be representative of the community at large and should reflect the gender, racial, ethnic and cultural make-up of the community.

No member of any County board shall become a candidate for elective political office during his or her term. Should any member of a County board qualify as a candidate for elective political office, such qualification shall be deemed a tender of resignation from such board. No person shall serve on more than >>two (2)<< ~~[[one (1)]]~~ County board>>s<< simultaneously >>unless the Commission has by unanimous vote approved the appointment after being advised of all other County board(s) upon which the person sits<<, provided, however, a >>person serving on any one of the following boards shall not serve on any other County board simultaneously except as provided by ordinance: Community Council; Community Zoning Appeals Board; Planning Advisory Board; Citizens' Independent Transportation Trust; Housing Finance Authority; Independent Review Panel; Industrial Development Authority; Health Facilities Authority; Educational Facilities Authority; Commission on Ethics and Public Trust; Environmental Quality Control Board; The Children's Trust; and the Public Health Trust<< [[member of a county board is not prohibited by this paragraph from simultaneously serving on another county board, if the County Commission has established that service on a particular board is a prerequisite or requirement for service on another county board]]. >>Notwithstanding the foregoing, a person is prohibited from serving on a County board where such service would violate federal or state law, the Miami-Dade County Home Rule Charter or county ordinance.<<

Any Commissioner who has nominated a citizen to a County board as that term is defined in Section 2-11.36 of the

Code of Miami-Dade County may at any time, with or without cause, request the Board of County Commissioners to remove said board member from his or her position on a County board and recommend a different person to fill the position.

\* \* \*

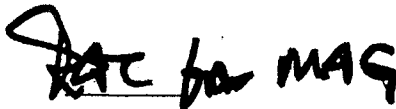
**Section 2.** If any section, subsection, sentence, clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," or "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: NOV 03 2005

Approved by County Attorney as  
to form and legal sufficiency:

 KAC for MAG

Prepared by:

GKS

Gerald K. Sanchez

Sponsored by Commissioner Dennis C. Moss

# Memorandum



Date: (Second Reading 11-01-05)  
September 22, 2005

To: Honorable Chairman Joe A. Martinez and Members  
Board of County Commissioners

From: George M. Burgess  
County Manager

Agenda Item No. 7(K)

05-195

Subject: Ordinance Amending Ordinance No. 01-133 related to Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board

## RECOMMENDATION

It is recommended that the Board approve the attached Ordinance amending Ordinance No. 01-133 relating to Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board. The amendment provides for the replacement of a Kendale Lakes Landscape Maintenance Special Taxing District (KLMSTD) Advisory Board member should he/she resign during his/her term of office.

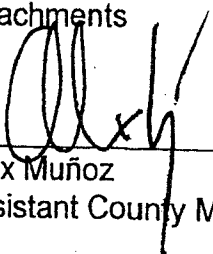
## BACKGROUND

On September 13, 2001, the Board of County Commissioners (BCC) adopted Ordinance No. 01-133 creating the Kendale Lakes Landscape Maintenance Special Taxing District KLMSTD Advisory Board. The purpose of this Advisory Board is to assist the BCC and the County administration with respect to matters pertaining to the KLMSTD. The Ordinance allows residents who fund the special taxing district to have a greater voice in the planning and programs of the district.

Ordinance No. 01-133 provides for a seven member Advisory Board serving staggered office terms of no more than two years. It also provides for an office to remain vacant until the following term should an Advisory Board member resign during his/her term of office.

The 2005 Sunset Review of County Boards Report, adopted by the Chairperson and members of the KLMSTD Advisory Board on January 3, 2005, and subsequently accepted by the BCC on May 17, 2005, recommended that Ordinance No. 01-133 be amended to provide for the replacement of a member should he/she resign during his/her term of office. The proposed amendment assures maximum participation at the meetings and enables the KLMSTD Advisory Board to better serve the purpose for which it was created.

Attachments

  
Alex Muñoz  
Assistant County Manager



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** November 1, 2005

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 7(K)

Please note any items checked.

\_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

\_\_\_\_\_ 6 weeks required between first reading and public hearing

\_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing

\_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget

\_\_\_\_\_ Budget required

\_\_\_\_\_ Statement of fiscal impact required

\_\_\_\_\_ Bid waiver requiring County Manager's written recommendation

\_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing

\_\_\_\_\_ Housekeeping item (no policy decision required)

\_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(K)

Veto \_\_\_\_\_

11-01-05

Override \_\_\_\_\_

**05-195**

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING ORDINANCE NO. 01-133  
RELATING TO THE KENDALE LAKES LANDSCAPE  
MAINTENANCE SPECIAL TAXING DISTRICT  
ADVISORY BOARD, TO ALLOW REPLACEMENT OF  
AN ADVISORY BOARD MEMBER SHOULD HE/SHE  
RESIGN DURING HIS/HER TERM OF OFFICE;  
PROVIDING SERVERABILITY, INCLUSION IN THE  
CODE, AND AN EFFECTIVE DATE

WHEREAS, the Kendale Lakes Landscape Maintenance Special Taxing District ("Special Taxing District") was created for the maintenance of certain common areas, green areas, and lakes within the Kendale Lakes community; and

WHEREAS, this Board created a Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board ("Advisory Board") in order to provide assistance to this Board and to the County on issues concerning the Special Taxing District; and

WHEREAS, the residents within the Special Taxing District desire to continue to participate in the process in the most positive and productive manner; and

WHEREAS, certain of the procedures pertaining to appointment of Advisory Board members has become outdated and in need of amendment to assure maximum participation,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. Ordinance 01-133 of the Code of Miami-Dade County, Florida, is amended to read as follows:<sup>1</sup>

\* \* \*

**C. Nomination and Selection of Members.**

\* \* \*

(5) *Vacancies.* Should any Advisory Board member move out of the region for which they were nominated during the course of her or his term, but continue to reside within the Special Taxing district, then that Advisory Board member will serve out her or his term, but will not be eligible for a new term within that region, unless no resident within the region desires to be the regions nominee at the following Nomination Meeting. Should any Advisory Board member move out of the Special Taxing district during her or his term, then she or he will forfeit her or his position on the Advisory Board. Should an Advisory Board member resign during her or his term for any reason, the ~~[[position]]~~>>term<<will [[remain vacant until the following term]]>>be filled by the next person eligible who has resided in that region the longest<<.

\* \* \*

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provisions,

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< shall constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

05-195

shall become and be part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

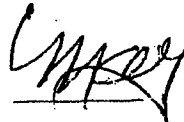
Section 6. This ordinance shall not contain a sunset provision

PASSED AND ADOPTED: NOV 03 2005

Approved by County Attorney as  
to form and legal sufficiency:

Prepared by:

Diamela Del Castillo

  
DDC

28

# Memorandum



Date: May 17, 2005

Agenda Item No. 1 (D) 5

To: Honorable Chairman Joe A. Martinez and Members  
Board of County Commissioners

From: George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Sunset Review of County Boards for 2005 – Kendale Lakes Landscape Maintenance  
Special taxing District Advisory Board

## RECOMMENDATION

It is recommended that the Board approve the continuation of the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.

## BACKGROUND

The Chairperson and its members approved the Sunset Review of County Boards Report at its meeting of January 3, 2005 and staff concurs.

The Advisory Board realizes the need for revitalizing attendance at the meetings and is recommending that the ordinance creating the Board be amended to allow replacement of a Board member should he/she resign during his/her term of office. The ordinance currently provides for an office to remain vacant until the following term should an Advisory Board member resign during his/her term of office.

A handwritten signature in black ink, appearing to read "Alina Tejeda Hudak", written over the printed name of Alina Tejeda Hudak.

Alina Tejeda Hudak  
Assistant County Manager

**KENDALE LAKES LANDSCAPE MAINTENANCE**  
**SPECIAL TAXING DISTRICT**  
**ADVISORY BOARD**

**January 11, 2007 @ 7:00 PM**  
**Westwind Lakes Park**  
**6805 SW 152 Ave**  
**Miami, Fl 33183**

**MINUTES ON APPROVAL OF SUNSET REVIEW QUESTIONNAIRE:**

**MEMBERS PRESENT:** Albert Schaefer, Tessie Rivera, Richard Malcy, and Frieda Kruger.

**OTHERS ATTENDING:** Gil Delgado, Telva Smith.

Gil Delgado presented the Sunset Review of County Board for 2007. It is recommended that the board approve the continuation of the Kendale Lakes Landscape Maintenance Special Taxing District Advisory Board.

**MOTION:** Tessie Rivera moved that we approve the Annual Sunset Review Questionnaire. Motion was seconded by Albert Schaefer and unanimously approved.